

House Study Bill 586 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act relating to the policy administration of election and
2 voter registration laws by the secretary of state, including
3 changes to the definition of a general election, the voter
4 registration age, absentee voting, the provision of training
5 space for election personnel, the candidate nomination
6 filing requirements for merged area, school district, and
7 city elections, the filling of vacancies in city office,
8 and authorizing certain cities to conduct city elections by
9 absentee ballot, and including effective date provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.3, subsection 7, Code 2011, is amended
2 to read as follows:

3 7. "*General election*" means the biennial election for
4 national or state officers, members of Congress and of the
5 general assembly, county and township officers, and for the
6 choice of other officers or the decision of questions as
7 provided by law and, where applicable, includes the regular
8 city election described in section 376.1.

9 Sec. 2. Section 44.4, subsection 1, Code 2011, is amended
10 to read as follows:

11 1. Nominations made pursuant to this chapter and chapter
12 45 which are required to be filed in the office of the state
13 commissioner shall be filed in that office not more than
14 ninety-nine days nor later than 5:00 p.m. on the eighty-first
15 day before the date of the general election to be held in
16 November. Nominations made for a special election called
17 pursuant to section 69.14 shall be filed by 5:00 p.m. not less
18 than twenty-five days before the date of an election called
19 upon at least forty days' notice and not less than fourteen
20 days before the date of an election called upon at least
21 eighteen days' notice. Nominations made for a special election
22 called pursuant to section 69.14A shall be filed by 5:00 p.m.
23 not less than twenty-five days before the date of the election.
24 Nominations made pursuant to this chapter and chapter 45 which
25 are required to be filed in the office of the commissioner
26 shall be filed in that office not more than ninety-two days
27 nor later than 5:00 p.m. on the sixty-ninth day before the
28 date of the general election. Nominations made pursuant to
29 this chapter or chapter 45 for city office shall be filed not
30 more than seventy-two days nor later than 5:00 p.m. on the
31 forty-seventh day before the city election with the ~~city clerk~~
32 county commissioner of elections responsible under section 47.2
33 for conducting elections held for the city, who shall process
34 them as provided by law.

35 Sec. 3. Section 44.4, subsection 2, paragraph a,

1 subparagraphs (2) and (3), Code 2011, are amended to read as
2 follows:

3 (2) Those filed with the commissioner, not less than
4 sixty-four days before the date of the election, except as
5 provided in subparagraph (3).

6 (3) Those filed with the ~~city clerk~~ commissioner for an
7 elective city office, at least forty-two days before the
8 regularly scheduled or special city election. However, for
9 those cities that may be required to hold a primary election,
10 at least sixty-three days before the regularly scheduled or
11 special city election.

12 Sec. 4. Section 44.7, Code 2011, is amended to read as
13 follows:

14 **44.7 Hearing before commissioner.**

15 ~~Objections~~ Except as otherwise provided in section 44.8,
16 objections filed with the commissioner shall be considered by
17 the county auditor, county treasurer, and county attorney, and
18 a majority decision shall be final; but if the objection is to
19 the certificate of nomination of one or more of the above named
20 county officers, the officer or officers objected to shall not
21 pass upon the objection, but their places shall be filled,
22 respectively, by the chairperson of the board of supervisors,
23 the sheriff, and the county recorder.

24 Sec. 5. Section 44.8, Code 2011, is amended to read as
25 follows:

26 **44.8 Hearing before mayor.**

27 1. Objections filed with the ~~city clerk~~ commissioner for
28 an elective city office shall be considered by the mayor and
29 clerk and one member of the council chosen by the council by
30 ballot, and a majority decision shall be final; but if the
31 objection is to the certificate of nomination of either of
32 those city officials, that official shall not pass upon ~~said~~
33 the objection, but the official's place shall be filled by a
34 member of the council against whom no such objection exists,
35 chosen as above provided.

1 2. The hearing shall be held within twenty-four hours of the
2 receipt of the objection if a primary election must be held for
3 the office sought by the candidate against whom the objection
4 has been filed.

5 Sec. 6. Section 44.9, subsections 2, 3, 5, and 6, Code 2011,
6 are amended to read as follows:

7 2. In the office of the proper commissioner, at least
8 sixty-four days before the date of the election, except as
9 otherwise provided in subsections 3, 5, and 6.

10 3. In the office of the proper ~~school board secretary~~
11 commissioner, at least thirty-five days before the day of a
12 regularly scheduled school election.

13 5. In the office of the proper commissioner ~~or school board~~
14 ~~secretary~~ in case of a special election to fill vacancies in an
15 elective school board office, at least twenty-five days before
16 the day of election.

17 6. In the office of the proper ~~city clerk~~ commissioner, at
18 least forty-two days before the regularly scheduled or special
19 city election. However, for those cities that may be required
20 to hold a primary election, at least sixty-three days before a
21 regularly scheduled or special city election.

22 Sec. 7. Section 44.11, Code 2011, is amended to read as
23 follows:

24 **44.11 Vacancies filled.**

25 If a candidate named under this chapter withdraws before the
26 deadline established in section 44.9, declines a nomination,
27 or dies before election day, or if a certificate of nomination
28 is held insufficient or inoperative by the officer with whom
29 it is required to be filed, or in case any objection made
30 to a certificate of nomination, or to the eligibility of any
31 candidate named in the certificate, is sustained by the board
32 appointed to determine such questions, the vacancy or vacancies
33 may be filled by the convention, or caucus, or in such manner
34 as such convention or caucus has previously provided. The
35 vacancy or vacancies shall be filled not less than seventy-four

1 days before the election in the case of nominations required to
2 be filed with the state commissioner, not less than sixty-four
3 days before the election in the case of nominations required
4 to be filed with the commissioner, not less than thirty-five
5 days before the election in the case of nominations required
6 to be filed in with the office of the school board secretary
7 commissioner for school board elections, and not less than
8 forty-two days before the election in the case of nominations
9 required to be filed with the ~~city clerk~~ commissioner for city
10 elections.

11 Sec. 8. Section 48A.5, subsection 2, paragraph c, Code 2011,
12 is amended to read as follows:

13 c. Be at least eighteen years of age. Completed
14 registration forms shall be accepted from registrants who
15 are at least seventeen ~~and one-half~~ years of age; ~~however~~.
16 However, the registration shall not be effective until the
17 registrant reaches the age of eighteen. The commissioner of
18 registration shall ensure that the birth date shown on the
19 registration form is at least seventeen ~~and one-half~~ years
20 earlier than the date the registration is processed. A
21 registrant who is at least seventeen ~~and one-half~~ years of age
22 and who will be eighteen by the date of a pending election is
23 a registered voter for the pending election for purposes of
24 chapter 53.

25 Sec. 9. Section 48A.14, subsection 1, paragraph b, Code
26 2011, is amended to read as follows:

27 b. The challenged registrant is less than seventeen ~~and~~
28 ~~one-half~~ years of age.

29 Sec. 10. Section 48A.23, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. At least twice during each school year, the board of
32 directors of each school district operating a high school and
33 the authorities in charge of each accredited nonpublic school
34 shall offer the opportunity to register to vote to each student
35 who is at least seventeen ~~and one-half~~ years of age.

1 Sec. 11. Section 48A.26, subsection 9, Code 2011, is amended
2 to read as follows:

3 9. When a person who is at least seventeen ~~and one-half~~
4 years of age but less than eighteen years of age registers
5 to vote, the commissioner shall maintain a record of the
6 registration so as to clearly indicate that it will not take
7 effect until the registrant's eighteenth birthday and that the
8 person is registered and qualifies to vote at any election held
9 on or after that date.

10 Sec. 12. Section 48A.31, Code 2011, is amended to read as
11 follows:

12 **48A.31 Deceased persons record.**

13 The state registrar of vital statistics shall transmit
14 or cause to be transmitted to the state registrar of voters,
15 once each calendar quarter, a certified list of all persons
16 seventeen ~~and one-half~~ years of age and older in the state
17 whose deaths have been reported to the bureau of vital records
18 of the Iowa department of public health since the previous list
19 of decedents was certified to the state registrar of voters.
20 The list shall be submitted according to the specifications
21 of the state registrar of voters. The commissioner shall, in
22 the month following the end of a calendar quarter, run the
23 statewide voter registration system's matching program to
24 determine whether a listed decedent was registered to vote in
25 the county and shall immediately cancel the registration of any
26 person named on the list of decedents.

27 Sec. 13. Section 49.21, subsection 2, paragraph a, Code
28 2011, is amended to read as follows:

29 a. Upon the application of the commissioner, the authority
30 which has control of any buildings or grounds supported by
31 taxation under the laws of this state shall make available the
32 necessary space therein for the purpose of holding elections,
33 without charge for the use thereof. For a period of thirty
34 days prior to each scheduled election, and upon the application
35 of the commissioner, the authority shall also make such

1 buildings or grounds available for training courses related
2 to the election and offered by the commissioner for precinct
3 election officials and other election personnel.

4 Sec. 14. Section 53.8, subsection 1, Code 2011, is amended
5 to read as follows:

6 1. Upon receipt of an application for an absentee ballot
7 meeting the requirements of section 53.2 and immediately after
8 the absentee ballots are printed but in no case sooner than the
9 fiftieth day before any election, the commissioner shall mail
10 an absentee ballot to the applicant within twenty-four hours,
11 except as otherwise provided in subsection 3. The absentee
12 ballot shall be enclosed in an unsealed envelope bearing a
13 serial number and affidavit. The absentee ballot and unsealed
14 envelope shall be enclosed in or with a return envelope marked
15 postage paid which bears the same serial number as the unsealed
16 envelope. The absentee ballot, unsealed envelope, and return
17 envelope shall be enclosed in a third envelope to be sent
18 to the registered voter. If the ballot cannot be folded so
19 that all of the votes cast on the ballot will be hidden, the
20 commissioner shall also enclose a secrecy envelope with the
21 absentee ballot.

22 Sec. 15. Section 53.10, subsection 1, Code 2011, is amended
23 to read as follows:

24 1. Not more than forty days before the date of the primary
25 election or the general election, the commissioner shall
26 provide facilities for absentee voting in person at the
27 commissioner's office. This service shall also be provided for
28 other elections as soon as the ballots are ready, but in no
29 case shall absentee ballots be available for absentee voting in
30 person more than forty days before an election.

31 Sec. 16. Section 53.11, subsection 1, paragraph a, Code
32 2011, is amended to read as follows:

33 a. Satellite absentee voting stations may be established
34 no sooner than the fortieth day before an election throughout
35 the cities and county at the direction of the commissioner

1 and shall be established upon the commissioner's receipt
2 of a petition signed by not less than one hundred eligible
3 electors ~~requesting that a satellite absentee voting station~~
4 ~~be established at a location to be described on the petition~~
5 of the precinct where the requested satellite absentee
6 voting station is located. However, if a special election
7 is scheduled in the county on a date that falls between
8 the date of the regular city election and the date of the
9 city runoff election, the commissioner is not required to
10 establish a satellite absentee voting station for the city
11 runoff election. The petition shall be on a form prescribed
12 by the state commissioner and shall include a place for the
13 petitioner's signature, residential address, including house
14 number and street, date on which the petition is signed by the
15 petitioner, and a statement that the petitioners are residents
16 of the precinct in which the requested satellite absentee
17 voting station is located. The commissioner is only required
18 to accept one valid petition for each precinct in each election
19 scheduled for the same date. If more than one petition is
20 filed for establishment of a satellite absentee voting station
21 in a particular precinct for an election to be held on the same
22 date, the commissioner shall, at a minimum, honor the first
23 valid petition received.

24 Sec. 17. Section 53.11, subsection 1, Code 2011, is amended
25 by adding the following new paragraph:

26 NEW PARAGRAPH. c. Objections to a petition requesting
27 establishment of a satellite absentee voting station may be
28 filed with the commissioner no later than the second day
29 following the petition filing deadline set forth in subsection
30 2. The objection process in section 44.7 shall be followed for
31 objections filed pursuant to this section.

32 Sec. 18. Section 260C.15, subsection 3, Code 2011, is
33 amended to read as follows:

34 3. Nomination papers on behalf of candidates for member of
35 the board of directors of a merged area shall be filed with

1 ~~the secretary of the board~~ county commissioner of elections
2 responsible under section 47.2 for conducting elections held
3 for the merged area not earlier than sixty-four days nor later
4 than 5:00 p.m. on the fortieth day prior to the election at
5 which members of the board are to be elected. ~~On the day~~
6 ~~following~~ No later than the last day on which nomination
7 petitions can be filed, and no later than 5:00 p.m. on that
8 day, the secretary shall deliver ~~all nomination petitions so~~
9 ~~filed, together with~~ the text of any public measure being
10 submitted by the board of directors to the electorate, to the
11 county commissioner of elections who is responsible under
12 section 47.2 for conducting elections held for the merged area.
13 That commissioner shall certify the names of candidates, and
14 the text and summary of any public measure being submitted to
15 the electorate, to all county commissioners of elections in the
16 merged area by the thirty-fifth day prior to the election.

17 Sec. 19. Section 260C.15, subsection 4, paragraph b, Code
18 2011, is amended to read as follows:

19 b. The objection must be filed with the ~~secretary of the~~
20 ~~board~~ county commissioner of elections responsible under
21 section 47.2 for conducting elections held for the merged area
22 at least thirty-five days before the day of the election at
23 which members of the board are elected. When objections are
24 filed, notice shall immediately be given to the candidate
25 affected, addressed to the candidate's place of residence as
26 given on the candidate's affidavit, stating that objections
27 have been made to the legal sufficiency of the petition or to
28 the eligibility of the candidate, and also stating the time and
29 place the objections will be considered. The ~~board secretary~~
30 county commissioner shall also attempt to notify the candidate
31 by telephone if the candidate provided a telephone number on
32 the candidate's affidavit.

33 Sec. 20. Section 260C.15, Code 2011, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 4A. A candidate nominated under this

1 section may withdraw the candidate's nomination by a written
2 request filed with the county commissioner of elections
3 responsible under section 47.2 for conducting elections held
4 for the merged area at least thirty-five days before the day of
5 the election at which members of the board are elected.

6 Sec. 21. Section 275.25, subsection 1, paragraph b, Code
7 2011, is amended to read as follows:

8 b. The election shall be conducted as provided in section
9 277.3, and nomination petitions shall be filed pursuant to
10 section 277.4, except as otherwise provided in this subsection.
11 Nomination petitions shall be filed with the ~~secretary of the~~
12 ~~board of~~ county commissioner of elections responsible under
13 section 47.2 for conducting elections held for the existing
14 school district in which the candidate resides not less than
15 twenty-eight days before the date set for the special school
16 election. The ~~secretary of the board~~ commissioner, or the
17 ~~secretary's~~ commissioner's designee, shall be present in the
18 ~~secretary's~~ commissioner's office until five 5:00 p.m. on the
19 final day to file the nomination papers. The nomination papers
20 shall be delivered to the commissioner no later than five 5:00
21 p.m. on the twenty-seventh day before the election.

22 Sec. 22. Section 277.4, subsections 1, 3, and 4, Code 2011,
23 are amended to read as follows:

24 1. Nomination papers for all candidates for election
25 to office in each school district shall be filed with the
26 ~~secretary of the school board~~ county commissioner of elections
27 responsible under section 47.2 for conducting elections held
28 for the school district not more than sixty-four days, nor less
29 than forty days before the election. Nomination petitions
30 shall be filed not later than 5:00 p.m. on the last day for
31 filing. ~~If the school board secretary is not readily available~~
32 ~~during normal office hours, the secretary may designate a~~
33 ~~full-time employee of the school district who is ordinarily~~
34 ~~available to accept nomination papers under this section.~~ On
35 the final date for filing nomination papers the office of the

1 ~~school secretary~~ county commissioner shall remain open until
2 5:00 p.m.

3 3. The ~~secretary of the school board~~ county commissioner
4 shall accept the petition for filing if on its face it appears
5 to have the requisite number of signatures and if it is timely
6 filed. The ~~secretary of the school board~~ county commissioner
7 shall note upon each petition and affidavit accepted for filing
8 the date and time that the petition was filed. The secretary
9 of the school board shall deliver ~~all nomination petitions,~~
10 ~~together with~~ the complete text of any public measure being
11 submitted by the board to the electorate, to the county
12 commissioner of elections ~~on the day following~~ no later than
13 the last day on which nomination petitions can be filed, and
14 not later than 5:00 p.m. on that day.

15 4. Any person on whose behalf nomination petitions have been
16 filed under this section may withdraw as a candidate by filing
17 a signed statement to that effect with the secretary county
18 commissioner of elections responsible under section 47.2 for
19 conducting elections held for the school district at any time
20 prior to 5:00 p.m. on the thirty-fifth day before the election.

21 Sec. 23. Section 277.5, Code 2011, is amended to read as
22 follows:

23 **277.5 Objections to nominations.**

24 1. Objections to the legal sufficiency of a nomination
25 petition or to the eligibility of a candidate may be filed by
26 any person who would have the right to vote for a candidate for
27 the office in question. The objection must be filed with the
28 ~~secretary of the school board~~ county commissioner of elections
29 responsible under section 47.2 for conducting elections held
30 for the school district at least thirty-five days before
31 the day of the school election. When objections are filed
32 notice shall forthwith be given to the candidate affected,
33 addressed to the candidate's place of residence as given on the
34 candidate's affidavit, stating that objections have been made
35 to the legal sufficiency of the petition or to the eligibility

1 of the candidate, and also stating the time and place the
2 objections will be considered.

3 2. Objections shall be considered not later than two working
4 days following the receipt of the objections by the president
5 of the school board, the secretary of the school board, and
6 one additional member of the school board chosen by ballot.
7 If objections have been filed to the nominations of either of
8 those school officials, that official shall not pass on the
9 objection. The official's place shall be filled by a member
10 of the school board against whom no objection exists. The
11 replacement shall be chosen by ballot.

12 Sec. 24. Section 280.9A, subsection 3, Code 2011, is amended
13 to read as follows:

14 3. At least twice during each school year, the board of
15 directors of each local public school district operating a
16 high school and the authorities in charge of each accredited
17 nonpublic school operating a high school shall offer the
18 opportunity to register to vote to each student who is at least
19 seventeen ~~and one-half~~ years of age, as required by section
20 48A.23.

21 Sec. 25. Section 372.13, subsection 2, paragraph a, Code
22 2011, is amended to read as follows:

23 a. (1) By appointment by the remaining members of the
24 council, except that if the remaining members do not constitute
25 a quorum of the full membership, paragraph "b" shall be
26 followed. The appointment shall be made within forty days
27 after the vacancy occurs and shall be for the period until the
28 next pending election as defined in section 69.12, and shall
29 be made within forty days after the vacancy occurs general
30 election for a city described in section 39.3, subsection 7, or
31 the regular city election described in section 376.1, unless
32 there is an intervening special election to fill a vacancy
33 in another elective city office in that city, in which event
34 the election for the office shall be placed on the ballot
35 at such special election. If the council fails to make an

1 appointment within forty days as required by this subsection,
2 the city clerk shall give notice of the vacancy to the county
3 commissioner and the county commissioner shall call a special
4 election to fill the vacancy at the earliest practicable date
5 but no fewer than thirty-two days after the notice is received
6 by the county commissioner.

7 (2) If the council chooses to proceed under this paragraph,
8 it shall publish notice in the manner prescribed by section
9 362.3, stating that the council intends to fill the vacancy
10 by appointment but that the electors of the city or ward, as
11 the case may be, have the right to file a petition requiring
12 that the vacancy be filled by a special election. The council
13 may publish notice in advance if an elected official submits
14 a resignation to take effect at a future date. The council
15 may make an appointment to fill the vacancy after the notice
16 is published or after the vacancy occurs, whichever is later.
17 However, if within fourteen days after publication of the
18 notice or within fourteen days after the appointment is made,
19 there is filed with the city clerk a petition which requests a
20 special election to fill the vacancy, an appointment to fill
21 the vacancy is temporary and the council shall call a special
22 election to fill the vacancy permanently, under paragraph "b".
23 The number of signatures of eligible electors of a city for a
24 valid petition shall be determined as follows:

25 ~~(1)~~ (a) For a city with a population of ten thousand or
26 less, at least two hundred signatures or at least the number of
27 signatures equal to fifteen percent of the voters who voted for
28 candidates for the office at the preceding regular election at
29 which the office was on the ballot, whichever number is fewer.

30 ~~(2)~~ (b) For a city with a population of more than ten
31 thousand but not more than fifty thousand, at least one
32 thousand signatures or at least the number of signatures equal
33 to fifteen percent of the voters who voted for candidates for
34 the office at the preceding regular election at which the
35 office was on the ballot, whichever number is fewer.

1 ~~(3)~~ (c) For a city with a population of more than fifty
2 thousand, at least two thousand signatures or at least the
3 number of signatures equal to ten percent of the voters who
4 voted for candidates for the office at the preceding regular
5 election at which the office was on the ballot, whichever
6 number is fewer.

7 ~~(4)~~ (d) The minimum number of signatures for a valid
8 petition pursuant to subparagraphs (1) through (3) shall not
9 be fewer than ten. In determining the minimum number of
10 signatures required, if at the last preceding election more
11 than one position was to be filled for the office in which the
12 vacancy exists, the number of voters who voted for candidates
13 for the office shall be determined by dividing the total number
14 of votes cast for the office by the number of seats to be
15 filled.

16 Sec. 26. Section 376.1, Code 2011, is amended to read as
17 follows:

18 **376.1 City election held — absentee ballot elections**
19 **authorized.**

20 1. A city shall hold a regular city election on the first
21 Tuesday after the first Monday in November of each odd-numbered
22 year. A city shall hold regular, special, primary, or runoff
23 city elections as provided by state law.

24 2. The mayor or council shall give notice of any special
25 election to the county commissioner of elections. The county
26 commissioner of elections shall publish notice of any city
27 election and conduct the election pursuant to the provisions of
28 chapters 39 to 53, except as otherwise specifically provided
29 in chapters 362 to 392. The results of any election shall be
30 canvassed by the county board of supervisors and certified
31 by the county commissioner of elections to the mayor and the
32 council of the city for which the election is held.

33 3. a. The council of a city with a population of two
34 hundred or less according to the most recent federal decennial
35 census may adopt an ordinance providing that elections be

1 conducted by absentee ballot. If the city council adopts
2 such an ordinance, the clerk shall notify the commissioner
3 of elections of the adoption of the ordinance, and the
4 commissioner shall mail an absentee ballot application form
5 by forwardable mail to each registered voter within the city
6 who is on active status pursuant to section 48A.37 no fewer
7 than twenty-five days before each regular city election or
8 special election for the city. The commissioner shall also
9 enclose a postage paid return envelope and a notice in the
10 form prescribed by the state commissioner informing the voter
11 that voting in person on election day will also be available
12 at the commissioner's office. The commissioner may designate
13 one additional election day polling site for a city that adopts
14 an ordinance pursuant to this subsection. The location of the
15 additional polling site shall be included in the notice to the
16 voter.

17 b. The provisions of chapter 53, insofar as applicable,
18 shall apply to absentee ballot elections authorized under this
19 section.

20 Sec. 27. Section 376.4, subsection 1, paragraph a, Code
21 2011, is amended to read as follows:

22 a. An eligible elector of a city may become a candidate
23 for an elective city office by filing with the ~~city clerk~~
24 county commissioner of elections responsible under section 47.2
25 for conducting elections held for the city a valid petition
26 requesting that the elector's name be placed on the ballot
27 for that office. The petition must be filed not more than
28 seventy-one days and not less than forty-seven days before the
29 date of the election, and must be signed by eligible electors
30 equal in number to at least two percent of those who voted to
31 fill the same office at the last regular city election, but not
32 less than ten persons. However, for those cities which may be
33 required to hold a primary election, the petition must be filed
34 not more than eighty-five days and not less than sixty-eight
35 days before the date of the regular city election. Nomination

1 petitions shall be filed not later than 5:00 p.m. on the last
2 day for filing.

3 Sec. 28. Section 376.4, subsections 3, 4, and 5, Code 2011,
4 are amended to read as follows:

5 3. ~~If the city clerk is not readily available during normal~~
6 ~~office hours, the city clerk shall designate other employees or~~
7 ~~officials of the city who are ordinarily available to accept~~
8 ~~nomination papers under this section.~~ On the final date for
9 filing nomination papers the office of the ~~city clerk~~ county
10 commissioner shall remain open until 5:00 p.m.

11 4. The ~~city clerk~~ county commissioner shall review each
12 petition and affidavit of candidacy for completeness following
13 the standards in section 45.5 and shall accept the petition
14 for filing if on its face it appears to have the requisite
15 number of signatures and if it is timely filed. The ~~city~~
16 ~~clerk~~ county commissioner shall note upon each petition and
17 affidavit accepted for filing the date and time that they were
18 filed. The ~~clerk~~ county commissioner shall return any rejected
19 nomination papers to the person on whose behalf the nomination
20 papers were filed.

21 5. Nomination papers filed with the ~~city clerk~~ county
22 commissioner shall be available for public inspection.

23 6. The city clerk shall deliver ~~all nomination papers~~
24 ~~together with~~ the text of any public measure being submitted by
25 the city council to the electorate to the county commissioner
26 of elections ~~on the day following~~ no later than the last day
27 on which nomination petitions can be filed, and not later than
28 5:00 p.m. on that day.

29 Sec. 29. Section 602.8102, subsection 15, Code 2011, is
30 amended to read as follows:

31 15. Monthly, notify the county commissioner of registration
32 and the state registrar of voters of persons seventeen ~~and~~
33 ~~one-half~~ years of age and older who have been convicted of a
34 felony during the preceding calendar month or persons who at
35 any time during the preceding calendar month have been legally

1 declared to be a person who is incompetent to vote as that term
2 is defined in section 48A.2.

3 Sec. 30. REPEAL. Section 53.14, Code 2011, is repealed.

4 Sec. 31. EFFECTIVE DATE. The following provision or
5 provisions of this Act take effect January 1, 2013:

6 1. The section of this Act amending section 48A.5,
7 subsection 2.

8 2. The section of this Act amending section 48A.14,
9 subsection 1.

10 3. The section of this Act amending section 48A.23,
11 subsection 1.

12 4. The section of this Act amending section 48A.26,
13 subsection 9.

14 5. The section of this Act amending section 48A.31.

15 6. The section of this Act amending section 280.9A,
16 subsection 3.

17 7. The section of this Act amending section 602.8102,
18 subsection 15.

19

EXPLANATION

20 This bill relates to the policy administration of the
21 election and voter registration laws by the secretary of state.

22 The bill amends the definition of "general election" to
23 include certain regular city elections, where applicable.

24 The bill requires that the county commissioner of
25 registration accept completed voter registration forms from
26 registrants who are at least 17 years of age. Current law
27 requires the county commissioner of registration to accept such
28 forms from registrants who are at least 17 and one-half years
29 of age. This provision of the bill takes effect January 1,
30 2013.

31 The bill requires that any authority supported by taxation
32 under the laws of Iowa make space available for the training of
33 precinct election officials and other election personnel upon
34 the applications of the county commissioner of elections.

35 The bill provides that the county commissioner of elections

1 shall not mail an absentee ballot to an applicant sooner than
2 50 days before any election. The bill removes language which
3 requires a voter's party affiliation be designated in the voter
4 affidavit on the unsealed affidavit envelope if the enclosed
5 ballot is a primary election ballot. The bill specifies that
6 absentee ballots shall be made available for voting in person
7 at the commissioner's office not more than 40 days before an
8 election.

9 The bill further provides that satellite absentee voting
10 stations shall not be established sooner than 40 days before
11 an election. The bill requires that a petition for the
12 establishment of a satellite absentee voting station be on a
13 form prescribed by the state commissioner of elections, and
14 as provided in the bill. The bill provides that a county
15 commissioner of elections is only required to accept one
16 valid petition for each precinct in each election. The bill
17 requires at a minimum that the county commissioner honor the
18 first valid petition for a satellite absentee voting station
19 if more than one petition is filed for a station in the same
20 precinct for the same election. Any objection to a petition
21 requesting a satellite absentee voting station shall be filed
22 with the county commissioner no later than two days following
23 the petition filing deadline.

24 The bill requires that nomination papers of candidates for
25 member of the board of directors of a merged area, objections
26 to such nominations, and withdrawals of such nominations be
27 filed with the county commissioner of elections responsible
28 for conducting elections for the merged area, rather than
29 with the secretary of the board. The bill also requires the
30 county commissioner, rather than the secretary of the board, to
31 attempt to notify the candidate by telephone if an objection
32 is filed if the candidate provided a telephone number. The
33 bill also provides that the text of any public measure relating
34 to the merged area be delivered by the secretary of the board
35 to the county commissioner no later than the last day on which

1 nomination petitions can be filed.

2 The bill requires that nomination papers of candidates
3 for a school district elected office, and withdrawals of
4 such nominations, be filed with the county commissioner of
5 elections responsible for conducting elections for the school
6 district. Current law requires that such nomination papers and
7 withdrawals be filed with the secretary of the school board.

8 The bill requires that if a vacancy in an elective city
9 office is filled by appointment of the remaining members of the
10 city council, that such appointment be made within 40 days of
11 the vacancy's occurrence for the period until the next general
12 election for a city as described in the bill or the next
13 regular city election, as defined in statute. If, however,
14 there is an intervening special election to fill a vacancy in
15 another elective city office, then the election for the office
16 shall be placed on the ballot at the special election. The
17 bill requires the city clerk to notify the county commissioner
18 of elections if the council fails to make such an appointment
19 within the required 40 days. Upon receipt of such notice, the
20 county commissioner of elections shall call a special election
21 to fill the vacancy at the earliest practicable date, but no
22 sooner than 32 days after receiving such notice.

23 The bill further requires that nomination papers for
24 elective city office be filed with the county commissioner of
25 elections responsible for conducting elections for the city.

26 The bill allows cities with populations of 200 or less to
27 adopt an ordinance providing that city elections be conducted
28 by absentee ballot. The bill requires the county commissioner
29 of elections responsible for such a city to mail an absentee
30 ballot application form by forwardable mail to each active
31 status registered voter within the city no fewer than 25 days
32 before each regular city election or special election for
33 that city. The bill requires that the county commissioner
34 of elections also enclose a postage paid return envelope and
35 a notice that in-person voting will also be available at the

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1 county commissioner's office on the day of the election and, if
2 applicable, the location of the additional polling site. The
3 bill allows the county commissioner to designate one additional
4 election day polling site for such cities.